**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

Government Appeal No. 1607 of 2001
(Old No.2887/2000)

State of U.P. **…Appellant.**

Versus

1. Ravindra Kumar,
2 Shivendra Kumar,
3. Satya Pal

All residents of 69, PWD Colony,
Race Course, Dehradun. **…Respondents.**

**Coram:**
**Hon'ble M.M. Ghildiyal,J**
**Hon'ble B.C. Kandpal, J.**
**(PC)**

This appeal has been preferred by the State against judgment and order 26.06.2000 passed learned III Additional Sessions Judge, Dehradun in Sessions Trail No. 149 of 1998 (State Vs. Ravindra and others) under section 302, 201 read with section 34 IPC by which accused respondents have been acquitted on the charges levelled against him.

We have heard learned AGA for appellant and Sri Sandeep Tandon, learned counsel for the respondents and perused the record.

The case rests upon circumstantial evidence. Four witnesses are witnesses of fact but they turned hostile and have not corroborated the prosecution case. The prosecution, although produced other witnesses in order to establish the other circumstantial evidence but witnesses could not make out a complete chain of circumstances. The death of the deceased has been caused due to strangulation but it is not known who is

the actual culprit, who did the murder. The evidence adduced by the prosecution has also not been corroborated by the medical version adduced by the prosecution.

In view of the aforesaid reasons, we are unable to accept the argument advanced by the learned AGA. Impugned order passed by learned Additional Sessions Judge is not bad in the eyes of law.

We do not find any infirmity in the impugned order dated 26.06.2000 passed by III Additional Sessions Judge, Dehradun. There is nothing in impugned judgment and order which may suggest that the evidence adduced by the prosecution has been improperly appreciated by the Trail Judge.

Appeal lacks of merit, as such, is dismissed *in limine.* Impugned judgement and order dated 26.06.2000 passed by III Additional Sessions Judge, Dehradun is hereby confirmed.

**(B.C. Kandpal, J)** **(M.M. Ghildiyal, J)**

November 8, 2006
SKSharma